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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,311	04/13/2004	Che-Hsiung Hsu	UC0423USNA	4769

23906 7590 11/12/2009
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WILMINGTON, DE 19805

EXAMINER

YAMNITZKY, MARIE ROSE

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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11/12/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

Office Action Summary	Application No. 10/823,311	Applicant(s) HSU ET AL.	
	Examiner Marie R. Yamnitzky	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 18-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-15, 18-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1794

1. This Office action is in response to applicant's amendment filed June 26, 2009, which amends claim 1 and cancels claim 21.

Claims 1-15, 18-20 and 22 are pending.

2. The rejection of claims 1-12, 18 and 20 under 35 U.S.C. 102(e) as anticipated by Hsu et al. (US 2004/0102577 A1) is overcome by amendment. (Claim 22 is an independent claim which has not been amended. The rejection of claim 22 as anticipated by Hsu et al. stands.)

3. The claims were previously subject to an election of species requirement, and claims 13-15 and 19 were previously withdrawn from consideration as being drawn to nonelected species. Given the amendment to claim 1, claims 13-15 and 19 are hereby rejoined (status identifiers should be updated accordingly in response to this action). Further consideration has also been given to non-elected device species within the scope of claim 18, claim 18 having been previously considered based on the election of a light-emitting diode.

4. Claims 13-15 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of each of claims 13-15 recites "A composite" while depending directly (in the case of claim 13) or indirectly (in the case of claims 14 and 15) from a claim drawn to --An electronic device--. Correction of the preamble of claims 13-15 is required.

Claim 18 sets forth numerous devices from which the device of claim 1 is selected.

Given the amendments to claim 1 over the course of prosecution of the application, it is not clear that all possibilities recited in claim 18 are consistent with the device limitations now recited in claim 1. For example, it is not clear that an “antistatic film” per se is a device that would comprise an anode and the various layers recited in claim 1.

The scope of devices encompassed by claim 18 is also confusing in that the claim recites “electrochromic device, electromagnetic shielding device” and “energy storage device” in lines 4-5, and in lines 6-7 recites “electrochromic” and “energy storage, electromagnetic shield”. It is not clear if and/or how the quoted terminology in lines 6-7 defines a device that is different from the terminology in lines 4-5.

The limitations of claim 19 are not clear. Claim 19 is not a proper dependent claim because it does not refer to the subject matter of claim 1 as a whole. The structure of the transistor is not clear because the relationship between the “at least one electrode comprising the composition of Claim 1” as recited in claim 19, and the anode and various layers recited in claim 1, is not clear. Proper antecedent basis is also lacking for “the composition”. Claim 1 recites “the composition of the first layer and the second layer is different”. In requiring the transistor of claim 19 to comprise at least one electrode comprising the composition of claim 1, it is not clear if the electrode comprises the first layer of claim 1 or the second layer of claim 1, or some other component of claim 1 that would inherently have a composition.

Art Unit: 1794

The limitations of claim 20 are inconsistent with the limitations of claim 1, which has been amended to require at least one additional layer interposed between the first layer and the second layer.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 22 stands rejected under 35 U.S.C. 102(e) as being anticipated by Hsu et al. (US 2004/0102577 A1) for reasons of record in the Office action with notification date of August 22, 2008.

7. Claims 1-12 are allowed.

Claims 13-15 will be allowable upon correction of the preamble.

8. Miscellaneous:

One occurrence of the phrase “solid electrolyte capacitors” should be deleted from claim 18 (see lines 4 and 6-7).

Art Unit: 1794

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 7:00 a.m. to 3:30 p.m. Monday and Wednesday-Friday.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

/Marie R. Yamnitzky/
Primary Examiner, Art Unit 1794

MRY
November 06, 2009